

REMARKS

Upon entry of the present amendment, claims 1-11 and 14-20 will have been amended to clarify the recitations thereof but without narrowing the limitations of the respective claims. Claim 21 will have been canceled without prejudice or disclaimer.

In the outstanding Official Action, the Examiner indicated the allowability of claims 9-19 and objected to claims 2-4 and 6-8 as depending from a rejected claim. However, the Examiner indicated that claims 2-4 and 6-8 would be allowable if rewritten into independent form including all the limitations of the base claim and any intervening claims. Claims 1, 5 and 21 were rejected.

In view of the reasons set forth hereinbelow for the patentability of claims 1 and 5, Applicant respectfully declines to rewrite any of claims 2-4 and 6-8 into independent form. Rather, Applicant respectfully traverses the rejection of claims 1-5.

Before addressing the merits of the Examiner's rejection, Applicant would like to respectfully thank the Examiner for accepting the drawings filed in the present application on March 23, 2004. Applicant further wishes to thank the Examiner for acknowledging his Claim for Foreign Priority under 35 U.S.C. § 119 and for confirming receipt of the certified copies of the foreign priority documents of the present application.

Turning to the outstanding rejection, in the outstanding Official Action, the Examiner rejected claims 1 and 5 under 35 U.S.C. § 102(b) as being anticipated by STEINHUBER (U.S. Patent No. 6,204,966). Applicant respectfully traverses the above rejection and submits that it is inappropriate at least because STEINHUBER does not disclose the combination of features recited in Applicant's claims 1 and 5.

Applicant's invention, as recited in the respective combinations of claims 1 and 5, provides a binocular magnifying glass (and the method of adjustment) that can be rotated by both  $\gamma$  and  $\beta$  rotation. According to the teachings of an embodiment of the present invention, a deflector is provided and is configured to deflect an optical axis of a magnifying optical system. In other words, an optical axis of an ocular lens is deflected with respect to an optical axis of an objective lens. In this regard, the Examiner's attention is respectfully directed to Fig. 3. Because an optical axis is bent by the deflector according to the teachings of the present invention, both convergence adjustment and image inclination is achieved in both  $\gamma$ -rotation and  $\beta$ -rotation. Thus, according to the teachings of the present invention, it is possible to adjust convergence while correcting image inclination using a combination of  $\gamma$ -rotation and  $\beta$ -rotation.

The above-mentioned feature of the present invention as recited in the combinations of claims 1 and 5, which respectively recite an adjustment method for binocular magnifying glasses and binocular magnifying glasses, is not disclosed or suggested in STEINHUBER.

According to the teachings of STEINHUBER, each telescope 1 rotates about its pivot axis 8. In STEINHUBER, there is no deflector and accordingly, the optical axis of the ocular lens and the optical axis of the objective lens coincide with each other.

As defined in claims 1 and 2, the  $\gamma$ -rotation and the  $\beta$ -rotation are about axes that are perpendicular with respect to each other as clearly shown in Fig. 6. This feature of rotations about axes that are perpendicular to each other is not taught, disclosed nor rendered obvious by STEINHUBER.

In setting forth the rejection, the Examiner asserts that the  $\gamma$ -rotation and the  $\beta$ -

rotation are disclosed by STEINHUBER at column 5, lines 48-55 as shown in Fig. 13. It is respectfully submitted that the Examiner's interpretation and understanding of the STEINHUBER reference are incorrect.

According to the embodiment of the STEINHUBER invention illustrated in Figs. 13 and 14, the control slot 43 is made pivotable within its plane and accordingly its inclination relative to the middle plane 26 (Fig. 1) is changed. As a result of this structure, the optical axes 25 of the telescopes 1 can be set (or adjusted) more steeply with respect to the middle plane 26 at large pupil distances. In other words, according to the embodiment of STEINHUBER illustrated in Figs. 13 and 14, by making the control slot pivotable within its plane, the optical axes of the telescopes can be more extensively adjusted in this same plane (i.e., the middle plane 26) rather than with respect to a plane transverse or perpendicular to the middle plane as required by the recitations of Applicant's claims. Accordingly, it is quite clear that STEINHUBER does not disclose rotation about two axes that are perpendicular to each other as required by the claims of the present application.

Further, the Examiner asserts that the arrows in Fig. 13 show rotation about the  $\gamma$  and  $\beta$  axes. This is also incorrect. The arrows in Fig. 13 of STEINHUBER clearly show rotation about a single axis together with what appears to be a translation along a direction between the two eyes (i.e., translation along a direction of the interpupillary distance). Thus, at least because of the above-noted deficiencies of the STEINHUBER reference, it is respectfully submitted that claims 1 and 5 are clearly patentable thereover. An action to such effect is respectfully requested in due course.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of

P24799.A02

the rejection of claims 1 and 5 and an indication of the allowability of all of claims 1-20 pending in the present application. Such action is respectfully requested and is now believed to be appropriate in view of the herein contained remarks.

SUMMARY AND CONCLUSION

Applicant has made a sincere effort to place the present application in condition for allowance and believes that he has now done so. Applicant has amended various of the claims but only in order to ensure that the language of the claims more clearly defines the features of Applicant's invention. Applicant has not amended the claims to narrow the scope thereof and believes that Applicant's claim amendments do not narrow the scope thereof.

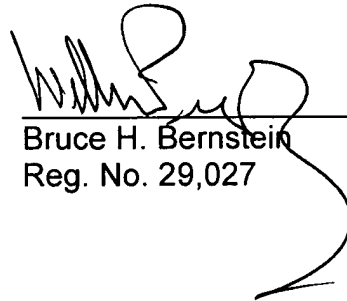
Applicant has discussed the present invention and has pointed out the shortcomings of the reference applied thereagainst with respect thereto. Applicant has further shown the significant and substantial shortcomings of the reference with respect to the combination of features recited in Applicant's claims. Applicant has thus provided a clear evidentiary basis supporting the patentability of all the claims in the present application and respectfully requests an indication to such effect in due course.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

P24799.A02

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
Moriyasu KANAI



William Pieprz  
Reg. No. 33,630

Bruce H. Bernstein  
Reg. No. 29,027

February 21, 2006  
GREENBLUM & BERNSTEIN, P.L.C.  
1950 Roland Clarke Place  
Reston, VA 20191  
(703) 716-1191